

UNITED STATES DISTRICT COURT

for the
Central District of California

In the Matter of the Search of the Person Damien)
GUTIERREZ) Case No. **2:24-MJ-00151**
)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the Central District of California, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1111	Murder
18 U.S.C. § 1201	Kidnapping

The application is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (*give exact ending date if more than 30 days: _____*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Shannon Enochs

Applicant's signature

Shannon Enochs, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: _____

Judge's signature

City and state: Los Angeles, CA

The Honorable Margo A. Rocconi, U.S. Magistrate Judge

Printed name and title

AUSA: Declan Conroy (x2782)

ATTACHMENT A

PERSON TO BE SEARCHED:

Damien Gutierrez ("GUTIERREZ"), date of birth June 22, 2002. DAMIEN GUTIERREZ is further described with the identifiers below:

Sex: Male

Height: 5'11"

Eye Color: Brown

Weight: 130

ATTACHMENT B

ITEM TO BE SEIZED:

Damien Gutierrez's DNA, which is to be obtained through a buccal swab of the inner tissues of GUTIERREZ's mouth, and latent fingerprints and palm prints from both hands, as evidence of a violation of Title 18, United States Code, Sections 1201 and 1111.

AFFIDAVIT

I, Shannon Enochs, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of an application for a warrant to search for a biological sample containing deoxyribonucleic acid ("DNA"), to be obtained via buccal swab from the mouth of DAMIEN GUTIERREZ ("GUTIERREZ"), further described in Attachment A, for the things described in Attachment B. The FBI is also seeking the latent fingerprints of GUTIERREZ. GUTIERREZ's DNA and latent fingerprints will constitute and yield evidence of a violation of Title 18, United States Code, Section Title 18 USC § 1201 Kidnapping, and § 1111 Murder. Attachments A and B are hereby incorporated by reference.

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, review of official reports, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. BACKGROUND OF AFFIANT

9. I am a Special Agent with the Federal Bureau of Investigation and have been since October 2006. I have extensive training and experience as a member of the Violent Crime Squad and investigating Carjackings, Kidnapping and Homicides. Before working for the FBI, I was a Captain in the United States Army working in Military Intelligence. I have two degrees: a Bachelor of Arts in English Literature from the University of Alaska Fairbanks, and a Master of Science in International Relations from Troy State. I am currently assigned to the El Paso Division FBI in Texas.

III. SUMMARY OF PROBABLE CAUSE

10. On December 13, 2023, law enforcement authorities found the body of an adult male ("A.T.") on land owned by Fort Bliss, and under the special territorial and exclusive federal jurisdiction of the United States, who had been shot in the head. A subsequent investigation revealed that the A.T.'s car, which had been towed and was identified following the issuance of a "BOLO", had blood evidence, a gunshot hole from a shotgun, and latent fingerprints. Fifteen of those fingerprints matched to Brayden ALVARADO ("ALVARADO"), and one fingerprint remains unmatched.

11. After law enforcement located and interviewed ALVARADO, ALVARADO admitted to carjacking and executing A.T., and leaving A.T.'s body in the desert near Fort Bliss. ALVARADO further identified an individual named "Damien" -- who law enforcement later determined to be Damien GUTIERREZ

("GUTIERREZ") -- as an individual who had assisted with the carjacking and execution of A.T., as well as the disposal of A.T.'s body. GUTIERREZ subsequently reached out to law enforcement to express that he wanted to make a statement to law enforcement.

12. GUTIERREZ is scheduled to meet with law enforcement agents on January 11, 2024. The government is seeking this warrant to obtain GUTIERREZ's DNA and fingerprints to compare them against samples taken from A.T.'s vehicle, as well as other pieces of evidence.

IV. STATEMENT OF PROBABLE CAUSE

13. Based on my review of law enforcement reports and conversations with other law enforcement officers, as well as my personal involvement in the investigation, I am aware of the following:

A. Investigators Find A.T.'s Body, Vehicle, and Other Pieces of Evidence in the Desert, and Obtain Latent Fingerprints from the Vehicle and Evidence

14. On December 13, 2023, FBI El Paso was contacted by US Army Criminal Investigation Division ("CID") Fort Bliss Field office regarding a body located in the desert adjacent to Railroad Drive and U.S. Army installation Fort Bliss, Texas, located on land owned by Fort Bliss and under the special territorial and exclusive federal jurisdiction of the United States. The decedent, an adult male, had trauma to the head, as witnessed by this affiant. Army CID conducted a crime scene investigation and collected the body for transport to William Beaumont Army Medical Center ("WBAMC").

15. On December 14, 2023, U.S. Army CID, El Paso Police Department ("EPPD"), and FBI El Paso, including this affiant, canvassed the desert area where the body was located. During this canvassing, vehicle floor mats and a black shirt were discovered and taken as evidence.

16. On December 15, 2023, FBI El Paso, including this affiant, attended the autopsy of the decedent. The Armed Forces Medical Examiner ("AFME") staff submitted fingerprints to the FBI, which matched to A.T., a resident of Las Cruces, New Mexico. The medical examiner informed the agents present at the autopsy, including myself, that she recovered shotgun pellets and part of a shotgun wad (the plastic interior part of a shotgun shell) from the decedent's skull, indicating that the decedent was shot by a shotgun.

17. The FBI and U.S. Army CID subsequently learned that there was a Missing Person Report from Las Cruces Police Department ("LCPD") and Dona Ana Sheriff's Office ("DASO") for A.T. From the Missing Persons Report, I learned the following information: A.T. was at home in Las Cruces, New Mexico, on December 3, 2023. At approximately 9:00 p.m., A.T. departed his house. Later that night, a witness spotted A.T.'s vehicle, a 2018 silver GMC Yukon, at Burn Lake in Las Cruces, New Mexico, but did not see A.T. The witness saw another male beside A.T.'s vehicle on the passenger side. The witness described the male as having a light complexion and curly hair above his ears.

18. I subsequently reviewed a LCPD report which stated that A.T., who lives with his parents, was not observed at his

residence the following morning on December 4, 2023. A.T.'s mother delivered lunch to A.T.'s place of employment, but learned that A.T. was not at work, which was highly irregular. A.T.'s mother and other family members contacted LCPD and filed a Missing Person Report, after which a "BOLO" was issued to law enforcement agencies in the area, including El Paso, Texas.

19. I learned from El Paso Police Department ("EPPD") detectives that on December 6, 2023, a gray/silver GMC Yukon was towed by a commercial towing company, which matched the description from the BOLO. EPPD impounded the vehicle and later determined through a state search warrant that there was blood evidence within the vehicle and also a gunshot hole in the interior of the car that investigators later determined originated from a shotgun, as pellets were retrieved from within the vehicle.

B. 15 of the Latent Fingerprints Match to ALVARADO, and One Fingerprint Remains Unidentified

20. While investigating the vehicle, EPPD obtained latent fingerprints from within the vehicle. Several of the latent fingerprints were matched to Brayden ALVARADO ("ALVARADO"), an adult male with historical addresses in New Mexico.

21. Specifically, as reflected in a latent analysis report, EPPD obtained a total of 25 latent fingerprints from the GMC Yukon. These latent prints were assessed on December 13, 2023 by an EPPD latent examiner, who determined that there were 16 prints of Automated Fingerprint Identification System ("AFIS") quality, which can be used for comparison within the

AFIS system. Fifteen of the latent fingerprints yielded matches to ALVARADO, with one latent print remaining unmatched.

C. During an Interview, ALVARADO Admits to Carjacking and Executing A.T., and Identifies "Damien" as an Accomplice

22. On December 22, 2023, FBI El Paso located ALVARADO in El Paso, Texas. Members of FBI El Paso, including myself, then conducted an interview with ALVARADO. During that interview, ALVARADO provided the FBI with the following information:

a. On December 3, 2023, ALVARADO had set up a meeting with A.T. with the intention of carjacking A.T. A.T. picked up ALVARADO in a gray/silver GMC Yukon and drove to Burn Lake, Las Cruces, New Mexico. While parked at Burn Lake, ALVARADO, using a pellet gun, threatened serious harm to A.T. and carjacked A.T.'s vehicle with A.T. located in the backseat.

b. After the carjacking, ALVARADO called a friend known as "D" -- ALVARADO recalled that the individual's first name was "Damien", and his last name started with "GU" (hereinafter, "DAMIEN") -- while driving towards to El Paso. According to ALVARADO, DAMIEN was holding ALVARADO's shotgun for ALVARADO.

c. ALVARADO picked up DAMIEN in or around Chamberino, New Mexico. DAMIEN brought with him a large black bag and a cell phone and got into the GMC Yukon.

d. ALVARADO then drove A.T. across the border of New Mexico into El Paso, Texas, in the Western District of Texas. During this time, A.T. begged for his life and asked that he not be harmed.

e. ALVARADO stopped at a park in Northeast El Paso and then subsequently drove to a desert area nearby which is land owned by U.S. Army installation Fort Bliss and under federal jurisdiction. Once in the desert area, ALVARADO, using a shotgun in his possession that he loaded with several rounds, fired at A.T. ALVARADO stated DAMIEN then took the shotgun and fired one round at A.T.

f. After shooting A.T., ALVARADO and DAMIEN dragged A.T.'s body from the GMC Yukon and placed his body next to a thorn bush.

g. After disposing of A.T.'s body, ALVARADO used the GMC Yukon for the next several days as a method of conveyance until the vehicle was unexpectedly towed.

23. ALVARADO further stated that he threw the black shirt he was wearing when he dragged A.T.'s body into the desert where A.T.'s body was located. ALVARADO further stated that he and DAMIEN also threw out the floor mats of the vehicle into the desert. ALVARADO also said he and DAMIEN used baby wipes to clean themselves afterwards. U.S. Army CID investigators seized a black shirt, vehicle floor mats, a water bottle, and a baby wipes container in the desert adjacent to the body.

24. During the interview, ALVARADO showed agents social media profiles of other individuals who were involved in the investigation on his cell phone, including DAMIEN. ALVARADO told agents that he had contacted DAMIEN by phone while driving to El Paso in order to pick him up.

25. ALVARADO stated that he went to the same school as DAMIEN, and that they were in the same grade and were of the similar age. ALVARADO described DAMIEN as a tall, Hispanic male that lived near Gadsden High School in Chamberino, New Mexico. ALVARADO also identified the Instagram account belonging to DAMIEN.

D. Law Enforcement Identifies the Accomplice "Damien" as GUTIERREZ, and Confirm His Connection to ALVARADO

26. A subsequent review of commercial databases such as Accurint and Clear conducted by the FBI and Dona Ana Sheriff's Office based on the information provided by ALVARADO resulted in the identification of DAMIEN as Damien GUTIERREZ (hereinafter "GUTIERREZ").

27. After interviewing ALVARADO, FBI El Paso obtained a police report from the local police department in the city of Anthony, Texas. The report states on July 1, 2021, ALVARADO and GUTIERREZ were arrested for possession of marijuana. GUTIERREZ's personal identifiers (date of birth) from the Anthony Police Department report matched the commercial database checks conducted by the FBI and DASO, indicating they were the same person, and corroborating that ALVARADO both knew, and had previously committed crimes with, GUTIERREZ.

E. Additional Investigation Corroborates that GUTIERREZ Was in a Stolen Vehicle with ALVARADO on December 5, 2023, and that GUTIERREZ Currently Resides in Oxnard, California

28. FBI commercial database checks and internal records indicated that GUTIERREZ uses a Verizon telephone number ending in 0710 (the "0710 Number"). On January 3, 2024, FBI El Paso

and a DASO Detective confirmed through an interview with a former employer of GUTIERREZ in Chamberino, New Mexico, that the 0710 Number is, in fact, connected to GUTIERREZ.

29. On January 4, 2024, FBI El Paso Agents executed a federal search warrant (case number EP:24-M-00046-ATB) for GUTIERREZ's Instagram account, @real.datboid1. Records obtained pursuant to that search warrant indicate that GUTIERREZ was in the stolen GMC Yukon with ALVARADO on December 5, 2023.

30. Specifically, in messages from December 6, 2023, GUTIERREZ had the following exchange with an unknown female:

a. GUTIERREZ messaged "the whip [car] is hot asf. It's reported stolen alrwdy."

b. The female then asked, "The one from yesterday?" to which GUTIERREZ replied, "Yes lol."

c. The female then asked GUTIERREZ, "what you guys do w it lmao," to which GUTIERREZ responded by accusing the female of wearing a "wire."

d. GUTIERREZ later stated "Pinche Brazy finna go down if he don't get rid of that." ALVARADO, by his own admission, is known to use the moniker "Brazy."

31. On January 9, 2024, FBI EL Paso Agents executed a federal cellular telephone tracking warrant (case number EP:24-M-00070-ATB) for the 0710 Number used by GUTIERREZ. As of January 10, 2024, records obtained pursuant to the search warrant reveal a map pinpoint with a variable error radius around the cellular telephone belonging to GUTIERREZ which is

overlaid onto a mapping program which clearly shows the phone in and around the Oxnard, California area.

F. GUTIERREZ Contacts Law Enforcement to Make a Statement

32. On January 9, 2024 at approximately 4:00 p.m., GUTIERREZ, using the 0710 Number, called the Dona Ana Sheriff's Office asking to speak to someone with knowledge of his case. When agents returned GUTIERREZ's call, GUTIERREZ advised that he is currently in Oxnard, California, but was interested in making a statement to law enforcement. Agents scheduled an interview for January 11, 2024 in Oxnard, California.

* * * * *

33. FBI El Paso is seeking a search warrant to obtain DNA and latent fingerprints from GUTIERREZ. The DNA and latents will be used for comparison against evidence obtained by law enforcement, including but not limited to (i) baby wipes, a water bottle, and floor mats found in the desert adjacent to the body of A.T.; (ii) swabs obtained from A.T.'s body and clothing; (iii) unidentified latent prints found in the GMC Yukon; (iv) the shotgun used in the kidnapping and murder that investigators believe was transferred to a third party (if and when the shotgun is recovered, any latent fingerprints and DNA obtained from it will also be used in comparison to GUTIERREZ). Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that there is evidence of a violation of Title 18 United States Code, Sections 1201 and 1111.

VI. CONCLUSION

34. For all the reason described above, there is probable cause to believe that evidence of violations of Title 18, United States Code, Section 1201 (Kidnapping), and Title 18, United States Code, Section 1111 (Murder), as described in Attachment B of this affidavit, will be found through the seizure of DNA and latent fingerprints and palm prints from GUTIERREZ, as further described in Attachment A of this affidavit.

Attested to by the applicant in
accordance with the requirements
of Fed. R. Crim. P. 4.1 by
telephone on this 11th day of
January, 2024.

HONORABLE MARGO A. ROCCONI
UNITED STATES MAGISTRATE JUDGE